

STATE OF CONNECTICUT
STATE ELECTIONS ENFORCEMENT COMMISSION

In the Matter of a Complaint by
Scott W. Purdie, Bridgeport

File No. 2011-155

FINDINGS AND CONCLUSIONS

Complainant brings this complaint pursuant to Connecticut General Statutes § 9-7b, and alleges that Bridgeport election officials failed to count write-in votes at the November 8, 2011 election in the City of Bridgeport. Specifically, Complainant alleged that the Bridgeport Registrars of Voters, Linda A. Grace and Santa I. Ayala, did not count or report votes cast for him pertaining to his mayoral candidacy.

After an investigation of this matter, the following Findings and Conclusions are made:

1. Complainant was a certified registered write-in candidate for the office of mayor at the November 8, 2011 election in the City of Bridgeport.

2. General Statutes § 9-265 provides in pertinent part as follows:

(a) *A write-in vote for an office, cast for a person who has registered as a write-in candidate for the office* pursuant to subsection (b) of section 9-175 or section 9-373a, ***shall be counted and recorded.*** Except as otherwise provided in this section, a write-in vote cast for a person who has not registered shall not be counted or recorded. [Emphasis added.]

3. General Statutes § 9-259 provides in pertinent part:

(d) In addition to the requirements established in subsection (c) of this section, ***The moderators' returns shall show the total number of votes cast for each office, the number of votes cast for each candidate and the number of votes for persons not nominated, which shall be certified by the moderator and registrars of voters, or assistant registrars, as the case may be.***
[Emphasis added.]

4. Section 9-242a-23 of the Regulations of Connecticut State Agencies identifies the individuals responsible for counting and recording the write-in ballots. That provision provides as follows, in pertinent part:

The polling place officials shall complete the moderator's returns and shall be guided by instructions of the Secretary of the State. The moderator and assistant registrars of voters shall record on the moderator's returns the voting tabulator result totals for each candidate and question. The moderator and assistant registrars of voters shall unlock and remove all the ballots from the write-in bin. ***They shall record the number of ballots in the write-in bin. They shall count by hand the votes cast of the office in which the elector indicated a write-in vote. They shall record on the moderator's returns the write-in votes in accordance with the law governing write-in ballots.***

[Emphasis added.]

5. Upon investigation, the Commission finds that on or about November 13, 2011, the State of Connecticut, Office of the Secretary of the State (hereinafter "SOTS") received a moderator's return from the City of Bridgeport via facsimile to the SOTS Legislation and Elections Division. The Commission further finds that the aforementioned document was a *Prescribed Form for Return of Votes Cast at a Municipal Election* (ED Form 60), was six pages in length, and was pertaining to the November 8, 2011, municipal election in the City of Bridgeport.
6. Additionally, the Commission finds that at page 3 of the moderator's return detailed in paragraph 5 above, pursuant to General Statutes § 9-259, is recorded the write-in returns for the November 8, 2011 Bridgeport municipal election. Specifically, the aforementioned document under the heading "*Part II – Write-in Votes for REGISTERED Write-in Candidates Only*," contains the entry: "Mayor – Scott M. Purdie" recording 14 as the "Number of Write-in Votes Cast" for Complainant.
7. The Commission concludes, based on the findings in paragraphs 5 and 6 above, that on or about November 13, 2011 the City of Bridgeport certified 14 write-in votes for Complainant for the office of Bridgeport mayor on a moderator's return and reported them via facsimile to the SOTS Legislation and Elections Division.


8. For the reasons detailed herein, the Commission finds that Bridgeport election officials working at the November 8, 2011 municipal election counted and reported write-in votes for Complainant and Complainant's allegation to the contrary is therefore dismissed.

ORDER

The following Order is issued on the basis of the aforementioned findings:

The complaint is hereby dismissed.

Adopted this 18th day of January, 2012 at Hartford, Connecticut.


Stephen F. Cashman, Chairman
By Order of the Commission